GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2016
ANSWERED ON:11.08.2011
APPOINTMENT AND TRANSFER POLICY FOR JUDGES
Natrajan Meenakshi

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government proposes to select and appoint the Judges of High Courts and Supreme Court of India under the Indian Judicial Service itself:

(b) the concrete steps proposed to be taken to make appointment and working of judges transparent;

(c) whether their transfer policy will be reconsidered; and

(d) if so, the details thereof?

Answer

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): No, Madam.

(b) to (d): Appointment of Judges of the Supreme Court and the High Courts is made under Articles 124 and 217 of the Constitution of India respectively and transfer of a Judge including Chief Justice from one High Court to another is made under Article 222 of the Constitution.

The existing procedure for appointment of judges of the Supreme Court and the High Courts and transfer of judges including the Chief Justices of the High Courts from one High Court to another is based on the Supreme Court Judgment dated October 6, 1993 in the case of Supreme Court Advocates on Record & Anr. Vs. Union of India and the Advisory Opinion of the Supreme Court dated October 28, 1998. There is, at present, no specific proposal under consideration of the Government to reconsider this procedure.